REMARKS

Claims 1, 3-11 and 14-47 are pending in the application. Claims 1, 4, 7, 29 are currently amended, claim 2 is canceled without prejudice, and claims 44-47 are newly added. Support for the amendments is found, for example, from Paragraph 2, Page 10 of the specification and Figures 1A-1C and 3A-3C of the drawings. No new matter has been introduced by the amendments. Accordingly, favorable reconsideration of the pending claims is respectfully requested.

The Examiner has rejected claims 1, 4-9, 14, 15, 29-33, ad 38-43 under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,743,243 to Roy et al., (hereafter "Roy") in view of U.S. Patent No. 6,726,923 to Iyer, et al. (hereafter "Iyer"). Applicants respectfully submit that the rejection is overcome in light of the following remarks.

Applicants' independent claim 1, as amended, recites a device for creating an anastomosis between first and second blood vessels. The device includes a substantially cylindrical body at least partially formed by a resorbable sponge material, a first securing means for securing an end of the first vessel to the body, and a second securing means for securing a portion of the second vessel to the body.

The body includes an inner surface defining a through opening configured to receive at least a portion of the first vessel. The body further includes a proximal surface configured to appose an outer surface of the second vessel, a distal surface distanced from the outer surface of the second vessel, and a side surface connecting the proximal surface and the distal surface to form a substantially uniform outer diameter of the body. The through opening extends from the proximal surface to the distal surface.

Once the first securing means adhesively secures an end of the first vessel to the through opening and the second securing means secures an outer surface of the second vessel to the proximal surface of the cylindrical body, a hole formed through the outer surface of the second vessel is in fluid communication with the end of the first vessel.

Applicants' independent claim 29 recites a method for creating an anastomosis between first and second blood vessels. The method includes, *inter alia*, forming a substantially cylindrical body. The body is at least partially fabricated from a resorbable sponge material. The body includes an inner surface defining a through opening configured to receive at least a portion of the first vessel. The body further includes a proximal surface configured to appose an outer surface of the second vessel, a distal surface distanced from the outer surface of the second vessel, and a side surface connecting the proximal surface and the distal surface to form a substantially uniform outer diameter of the cylindrical body. The through opening extends from the proximal surface to the distal surface of the cylindrical body.

Turning to the prior art, Roy allegedly discloses a device for forming an anastomosis including a first tubular member (1) connected to a second tubular member (2), as shown in Figure 1 of Roy. The first tubular member, which is partially open, includes a longitudinal slit (3) for circumferentially contacting a target vessel for the anastomosis. The second tubular member is configured to receive a graft vessel. When an anastomosis is being formed by the device, the above configuration allows a user to place the first tubular member as a "cap" on the vessel.

However, the cap-shaped device of Roy does no teach or fairly suggest a cylindrical body as recited by claims 1 and 29 of the present application, which contain further

limitations of a proximal surface configured to appose an outer surface of the second vessel, a distal surface distanced from the outer surface of the second vessel, and a side surface connecting the proximal surface and the distal surface to form a substantially uniform outer diameter of the body.

Iyer discloses a joint like device for implementing an anastomosis between two vessels. Iyer does not disclose a cylindrical body recited by Applicants independent claims 1 and 29. Thus, Iyer does not overcome the underlying deficiencies of Roy with respect to the present invention.

Thus, the hypothetical combination of Roy and Iyer does not teach or fairly suggest the combination of features of Applicants independent claims 1 and 29 from which all the other claims ultimately depend. Accordingly, the rejection of claims 1, 4-9, 14, 15, 29-33, ad 38-43 under 35 U.S.C. §103(a) based on the combination of Roy and Iyer is overcome, and withdrawal thereof is respectfully requested.

The Examiner has further rejected claim 2 under 35 U.S.C.§103(a) as allegedly unpatentable over Roy in view of Iyer and further in view of U.S. Patent No. 6,019,788 to Butters et al., (hereafter "Butters"). The rejection is respectfully traversed.

Initially, Applicants respectfully submit that the cancellation of claim 2 overcomes any rejection thereof.

Furthermore, Applicants respectfully submit that Butter does not teach a device for implementing an anastomosis between a target vessel and a graft vessel. Butters disclose a junction device for providing a fluid communication between a blood conduit and a blood vessel, which is applied to create a shunt for dialysis access. In addition, the lower profile band (78),

shown in Figure 19 and described in Col., 17, Lines 14-24 of Butters, is used to facilitate a surgeon to suture, staple or otherwise attach the cut edges of the blood vessel.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance, which action is earnestly solicited.

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